

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DISAPPROVING THE APPLICATION OF ANA TORRES DE ALBA FOR A
WAIVER OF CURB, GUTTER AND SIDEWALK IMPROVEMENTS (DRC2011-00021)

The following resolution is now offered and read:

WHEREAS, Ana Torres de Alba has requested that the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") approve a waiver of curb, gutter and sidewalk improvement requirements for future residential development at 1176 N Street in San Miguel (DRC2011-00021), pursuant to the applicable provisions of Title 22 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on January 24, 2012, and determined and decision was made on January 24, 2012; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the waiver request and finds that the waiver request should be denied subject to the findings set forth below.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That the curb, gutter and sidewalk waiver request filed by Ana Torres de Alba is hereby denied and that the application of Ana Torres de Alba for a waiver of curb, gutter and sidewalk improvements at 1176 N Street in San Miguel (DRC2011-00021) is hereby disapproved based upon the findings of fact and determinations set forth in Exhibit "A" attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor _____, seconded by Supervisor
_____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:


Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel

By: _____


Deputy County Counsel

Dated: _____

12/15/11

STATE OF CALIFORNIA,)
)
County of San Luis Obispo) ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2012.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By: _____
Deputy Clerk

EXHIBIT A - FINDINGS

CEQA Exemption

- A. This project is found to be statutorily exempt from the California Environmental Quality Act under the provisions of Public Resources Code section 21080(b)(5), and Guidelines Section 15042, which provides that CEQA does not apply to projects which a public agency rejects or disapproves.

Waiver of Curb, Gutter and Sidewalk Improvements

- B. **Incompatible Grade:** The County Engineer has determined that the finish grades of the project site and adjoining street are compatible for accommodating the proposed improvements.
- C. **Incompatible development (drainage and traffic control):** The proposed development appears compatible with surrounding development patterns. Construction of new curb, gutter and sidewalk improvements will have a negligible impact to the existing drainage conditions of adjacent properties. Curb, gutter, sidewalk improvements will be designed to the grade and specification standards required by the Public Works Department in order to minimize any adverse impacts with regard to drainage on adjoining properties. The proposed development should conform to the San Miguel Community Design Plan guidelines and standards which require curb, gutter and sidewalk improvements for all new development in the Multi-Family land use district. The County Engineer and the Director of Planning and Building have determined that the curb, gutter and sidewalk improvements would be compatible with development because they conform to the recommendations outlined in the San Miguel Design Plan.
- D. **Premature development (bond for future construction):** Curb, gutter and sidewalk improvements are compatible with surrounding development in accordance with the guidelines and standards in the San Miguel Community Design Plan. The applicant proposes to increase the residential density by adding a second single family residence which would, in addition to the existing single family residence, fully utilize the project site. In 2008 curb, gutter and sidewalk improvements were provided by an apartment complex located within the same block at 505 11th Street (APN: 021-291-005). Therefore, neither the County Engineer nor the Director of Planning and Building support the waiver based on premature development pursuant to Section 22.54.030.D.3.
- E. No special circumstances exist to justify a modification or waiver of the curb, gutter and/or sidewalk improvement requirements pursuant to Section 22.54.030.D.4. No unusual landscape features, specific valuation inequity, property-specific circumstance, or other justification are present to warrant a waiver or modification here.